

REFERENCE TITLE: prescriptions; confidentiality

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

## **SB 1229**

Introduced by  
Senator Burton Cahill: Representatives Ableser, Lopes

### AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1974; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
3 is amended by adding section 32-1974, to read:

32-1974. Prescription information; confidentiality; unprofessional conduct; civil penalty; definition

6           A. RECORDS RELATING TO PRESCRIPTION INFORMATION THAT CONTAIN  
7 PATIENT-IDENTIFIABLE AND PRESCRIBER-IDENTIFIABLE DATA SHALL NOT BE LICENSED,  
8 TRANSFERRED, USED OR SOLD BY ANY PHARMACY BENEFITS MANAGER, INSURANCE  
9 COMPANY, ELECTRONIC TRANSMISSION INTERMEDIARY, RETAIL, MAIL ORDER OR INTERNET  
10 PHARMACY OR OTHER SIMILAR ENTITY FOR ANY COMMERCIAL PURPOSE. THIS SUBSECTION  
11 DOES NOT PROHIBIT THE USE OF PRESCRIPTION INFORMATION FOR THE FOLLOWING  
12 PURPOSES:

1. CASE MANAGEMENT.
  2. UTILIZATION REVIEW BY A HEALTH CARE PROVIDER, THE PATIENT'S  
ANCE PROVIDER OR THE AGENT OF EITHER.

3. HEALTH CARE RESEARCH.
  4. AS OTHERWISE PROVIDED BY  
THIS SECTION DOES NOT PRO-

**B. THIS SECTION DOES NOT PROHIBIT:**

1. THE DISPENSING OF PRESCRIPTION MEDICATIONS TO A PATIENT OR TO THE PATIENT'S AUTHORIZED REPRESENTATIVE.

- ## **2. THE TRANSMISSION OF PRESCRIPTION INFORMATION BETWEEN AN AUTHORIZED PREScriBER AND A LICENSED PHARMACY.**

### **3. THE TRANSFER OF PRESCRIPTION INFORMATION BETWEEN LICENSED PHARMACIES.**

4. THE TRANSFER OF PRESCRIPTION RECORDS THAT MAY OCCUR IF A PHARMACY OWNERSHIP IS CHANGED OR TRANSFERRED.
5. CARE MANAGEMENT EDUCATIONAL COMMUNICATIONS PROVIDED TO A PATIENT ABOUT THE PATIENT'S HEALTH CONDITION, ADHERENCE TO A PRESCRIBED COURSE OF THERAPY OR OTHER INFORMATION ABOUT THE DRUG BEING DISPENSED, TREATMENT OPTIONS OR CLINICAL TRIALS.

C. THIS SECTION DOES NOT PROHIBIT THE COLLECTION, USE, TRANSFER OR  
SALE OF UNIDENTIFIABLE PATIENT AND PRESCRIBER DATA BY ZIP CODE, GEOGRAPHIC  
REGION OR MEDICAL SPECIALTY FOR COMMERCIAL PURPOSES.

D. A PERSON OR PHARMACY THAT VIOLATES THIS SECTION COMMITS AN ACT OF UNPROFESSIONAL CONDUCT, AND ANY PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR EACH VIOLATION.

E. FOR THE PURPOSES OF THIS SECTION, "COMMERCIAL PURPOSE" INCLUDES ADVERTISING, MARKETING, PROMOTION OR ANY OTHER ACTIVITY THAT COULD BE USED TO INFLUENCE THE SALES OR MARKET SHARE OF A PHARMACEUTICAL PRODUCT, TO INFLUENCE OR EVALUATE THE PRESCRIBING BEHAVIOR OF AN INDIVIDUAL HEALTH CARE PROFESSIONAL OR TO EVALUATE THE EFFECTIVENESS OF A PROFESSIONAL PHARMACEUTICAL DETAILING SALE FORCE.